



Order Filed on October 8, 2021
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

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Attorneys for Secured Creditor

Harold N. Kaplan (HK-0226)

In Re:

Richard Allen Cheney,
Debtor.

Case No.: 18-15874-MBK

Chapter: 13

Judge: Michael B. Kaplan

Recommended Local Form:

☒ Followed

☐ Modified

ORDER VACATING STAY and CO-DEBTOR STAY

The relief set forth on the following page, is hereby **ORDERED**.

DATED: October 8, 2021

A handwritten signature of Michael B. Kaplan in black ink, written over a horizontal line.
Honorable Michael B. Kaplan
United States Bankruptcy Judge

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Debtors: Richard Allen Cheney
Case No.: 18-15874-MBK
Caption of Order: **Order Vacating Stay**

Upon the motion of PHH Mortgage Corporation as servicer for WELLS FARGO BANK, NATIONAL ASSOCIATION AS TRUSTEE FOR OPTION ONE MORTGAGE LOAN TRUST 2007-5, ASSET-BACKED CERTIFICATES, SERIES 2007-5, ("Secured Creditor") under Bankruptcy Code section 362(d) for relief from the automatic stay as to certain property and Co-Debtor Stay pursuant to 11 U.S.C. §1301 as hereinafter set forth, and for cause shown, it is

ORDERED that the automatic stay is vacated to permit the movant to institute or resume and prosecute to conclusion one or more actions in the court(s) of appropriate jurisdiction to pursue Secured Creditor's rights in regard to the following:

☒ Real property more fully described as:

405 Madison Ave., Dunellen, NJ 08812-1103.

It is further ORDERED that Secured Creditor, its successors or assignees, may proceed with its rights and remedies under the terms of the subject mortgage and pursue its state court remedies including, but not limited to, taking the property to sheriff's sale, in addition to potentially pursuing other loss mitigation alternatives, including, but not limited to, a loan modification, short sale or deed-in-lieu of foreclosure. Additionally, any purchaser of the property at sheriff's sale (purchaser's assignee) may take any legal action for enforcement of its right to possession of the property.

It is further ORDERED that Secured Creditor may join the Debtors and any trustee appointed in this case as defendants in its action(s) irrespective of any conversion to any other Chapter of the Bankruptcy Code.

It is further ORDERED that the Co-Debtor stay under 11 U.S.C. 1301 is vacated.

Secured Creditor shall serve this Order on the Debtors, any trustee, and any other party who entered an appearance on the motion.

In re:
Richard Allen Cheney
Debtor

Case No. 18-15874-MBK
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3
Date Rcvd: Oct 12, 2021

User: admin
Form ID: pdf903

Page 1 of 2
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 14, 2021:

Recip ID	Recipient Name and Address
db	+ Richard Allen Cheney, 405 Madison Ave, Dunellen, NJ 08812-1103

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BY PASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Oct 14, 2021

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 12, 2021 at the address(es) listed below:

Name	Email Address
Albert Russo	docs@russotrustee.com
Aleisha Candace Jennings	on behalf of Creditor Wells Fargo Bank National Association ajennings@raslg.com
Bruce C. Truesdale	on behalf of Debtor Richard Allen Cheney brucectruesdalepc@gmail.com bctpecf@gmail.com;r49787@notify.bestcase.com
Denise E. Carlon	on behalf of Creditor Toyota Lease Trust dcarlon@kmlawgroup.com bkgroup@kmlawgroup.com
Harold N. Kaplan	on behalf of Creditor Wells Fargo Bank National Association hkaplan@rasnj.com, informationathnk@aol.com
Shauna M Deluca	on behalf of Creditor Wells Fargo Bank National Association sdeluca@raslg.com

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User: admin

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Date Rcvd: Oct 12, 2021

Form ID: pdf903

Total Noticed: 1

Sindi Mncina

on behalf of Creditor Wells Fargo Bank National Association smncina@raslg.com

U.S. Trustee

USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 8